

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12733 of Joseph Zagami, Sr., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to continue the use of the first floor of the subject premises as a real estate office in the R-4 District at the premises #14 - 8th Street, S.E., (Square 920, Lot 802).

HEARING DATE: August 23, 1978

DECISION DATE: August 23, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in the R-4 District. It is located on the east side of 8th Street between East Capitol and "A" Street, S.E.

2. The subject property is a two story stone-brick structure. The first floor is presently being used as a real estate office, approved by BZA Order No. 12264, dated July 15, 1977. The second floor is being used as a one unit apartment.

3. A real estate office is first permitted in a C-1 district, thus making it a non-conforming use in an R-4 District.

4. The hours of operation of the office are from 9:00 a.m. to 5:00 p.m., Monday-Friday. There are presently three persons employed at this office.

5. In order to review potential adverse community impact the Board granted BZA 12264 for one year only. Due to the limited nature of the operation and the support of the neighborhood, as stated in the record, the Board finds that the use has not had an objectionable effect on the area.

6. The office presently has a clientele of approximately seven office clients per week. The remaining office operations occur off the subject premises.

7. The application was referred to Advisory Neighborhood Commission 6B for review and comment. As of the date of decision there was no recommendation filed.

8. The Municipal Planning Office by memo of August 16, 1978 and by testimony at the hearing recommended approval of the application on the grounds that the applicant was complying with the prior Order of the Board and that due to the limited nature of the operation conducted on the premises, adverse impacts to the surrounding neighborhood were unlikely. The Board so finds.

9. The Capitol Hill Restoration Society as reported in the MPO Report recommended that the application be granted for five years. The CHRS did not file a recommendation directly with the Board.

10. There was no opposition to the application.

CONCLUSIONS OF LAW:

The Board finds that the application complies with sub-section 7104.2 of the Zoning Regulations. The subject use is in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to adversely affect the use of neighboring property in accordance with said Zoning Regulations and Maps. The Board also concludes that in order for the Board to determine in the future whether or not this non-conforming use will become objectionable or cause any adverse impact on the neighborhood it is necessary for the Board to limit the years of operations. It is therefore ORDERED that the application is GRANTED for FIVE YEARS commencing on the date of expiration of the previous Certificate of Occupancy.

VOTE: 4-0 (Theodore F. Mariani, Charles R. Norris, Chloethiel Woodard Smith, William F. McIntosh to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 17 OCT 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.